

## UNITED STATES DISTRICT COURT

for the  
Western District of Washington

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Sep 16, 2024	
CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)One Subject Residence, one Subject Vehicle, and one  
Subject Person, as more fully described in  
Attachment A.

Case No. MJ24-5295

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

One Subject Residence, one Subject Vehicle, and one Subject Person, as more fully described in Attachment A, as further described in Attachments A and A-1.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 113(a)(3)	Assault with a Dangerous Weapon

The application is based on these facts:

- ☒ See Affidavit of National Parks Service Special Agent James M. Syvertsen, continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.



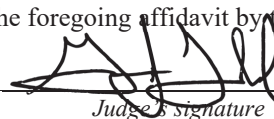
Applicant's signature

James M. Syvertsen, Special Agent

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
- ☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 09/13/2024



Judge's signature

City and state: Bellevue, Washington

Hon. Grady J. Leupold, United States Magistrate Judge

Printed name and title

# AFFIDAVIT OF JAMES M. SYVERTSEN

[illegible]

I, JAMES M. SYVERTSEN, being first duly sworn, hereby depose and state as follows:

## PURPOSE OF THIS AFFIDAVIT

1. This affidavit is made in support of an application for a warrant to search the Ebert family cabin, on parcel 408282008 in Jefferson County, WA, off the Clark Spur Rd (hereinafter “**Subject Property**”), Toyota Tundra with Washington license plate PF04667, (“**Subject Vehicle**”), and the person of Erich Vaughn EBERT (“**Subject Person**”) as described more fully in Attachments A.

2. As set forth herein, there is probable cause to believe that a search of **Subject Premises, Subject Vehicle, and Subject Person** will reveal evidence of violations of Title 18, United States Code § 113(a)(3) (Assault with a Deadly Weapon).

3. The items to be seized are described in detail within Attachment B, incorporated herein. These items comprise evidence, fruits, and instrumentalities of violations of Title 18, United States Code § 113(a)(3) (Assault with a Deadly Weapon), and related offenses.

4. This application is being presented by electronic means pursuant to Local Criminal Rule CrR 41(d)(3).

## AGENT BACKGROUND

5. I, James M. Syvertsen, am a Special Agent (SA) with the National Park Service (NPS) Investigative Services Branch since November 2023. I was a United States Park Ranger (USPR) with the NPS from April 2013 to November 2023, exercising law enforcement authority under 54 U.S.C. § 102701. I graduated from University of Washington with a Bachelor of Science in 2010. I graduated from the Seasonal Law

1 Enforcement Training Program in 2013 at Skagit Valley Community College; the Land  
2 Management Police Training in 2018 at the Federal Law Enforcement Training Center  
3 (FLETC) in Glynco, GA; and the Department of Interior Investigator Training Program  
4 in 2024 at FLETC, totaling over 1700 hours of training. My training and experience  
5 includes courses addressing basic criminal law, constitutional law, and various  
6 investigative techniques including digital evidence management. I have participated in  
7 numerous investigations involving violations of Titles 16 and 18 of the United States  
8 Code during which I executed federal search warrants, analyzed digital evidence,  
9 interrogated suspects, and interviewed witnesses, including victims of sexual abuse. As  
10 part of my duties, I have applied for, received, executed, and returned federal search  
11 warrants under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A).

12 6. The facts set forth in this Affidavit are based on my own personal  
13 knowledge; information obtained from other individuals during my participation in this  
14 investigation, including other law enforcement officers; review of documents and records  
15 related to this investigation; communications with others who have personal knowledge  
16 of the events and circumstances described herein; and information gained through my  
17 training and experience.

18 7. Because this Affidavit is submitted for the limited purpose of establishing  
19 probable cause in support of a search warrant, it does not set forth each and every fact  
20 that I, or others, have learned during the course of this investigation. Where I have  
21 included statements of others, they are set forth in substance and in part, and are not  
22 direct quotations.

### 23 SUMMARY OF PROBABLE CAUSE

#### 24 Background on Erich Ebert and his encounter with J.C.

25 8. On September 10, 2024, at noon, Joint Base Lewis McChord (JBLM)  
26 contacted Olympic National Park Dispatch (Dispatch) to request a welfare check on Erich  
27 Vaughn EBERT, an employee of JBLM. The dispatcher of JBLM relayed the following  
28 information: EBERT had missed work at JBLM, stating he was not coming back until the

1 dust settled; he may harm himself; he was not thought to be dangerous towards law  
2 enforcement, but he was likely armed and was possibly at a family cabin within Olympic  
3 National Park. EBERT is a former United States Marine.

4 9. The Ebert family cabin is located on Parcel 408282008 of Jefferson  
5 County, WA, at approximately N 47.5422, W -123.7168. The Property (Property) is a  
6 life-estate located within the boundary of Olympic National Park, which is exclusive  
7 federal jurisdiction. The Property is generally in an area that is frequented by hikers who  
8 are unfamiliar with the roads. There is no cell reception for miles around the Property.

9 10. On September 8, 2024, United States Park Ranger (USPR) J.C. was on  
10 patrol on Clark Spur Rd and had noticed that the Ebert family cabin was occupied.

11 11. On September 10, 2024, J.C. was performing his duties as a United States  
12 Park Ranger, a sworn law enforcement officer of Olympic National Park, when he  
13 received notification from Dispatch of the welfare check request for EBERT. At  
14 approximately 1242 hours, J.C. arrived at the gated driveway of the Property and parked  
15 his marked patrol vehicle on Clark Spur Rd. J.C. approached the cabin on the Property on  
16 foot and observed a grey Toyota Tundra with Washington license plate PF04667 parked  
17 adjacent to the cabin. A door of the Toyota Tundra was open. J.C. ran the registration of  
18 the vehicle, and learned the registered owner was Erich EBERT.

19 12. J.C. knocked on the cabin and announced himself as "Park Ranger," and  
20 called for EBERT by name, asking if he was ok. When there was no response, J.C.  
21 looked in the windows of the cabin and opened the unlocked rear door. J.C. did not see  
22 anyone inside.

23 13. J.C. heard a branch snap at the edge of the forest to the east of the cabin.  
24 J.C. briefly observed a person's head in the dense vegetation approximately 100 feet from  
25 the cabin. J.C. walked across a clearing, out in the open, towards where that person was.  
26 J.C. addressed EBERT by name and asked if he was ok.

27 14. Approximately 50 feet in front of him, J.C. observed Ebert holding an AR-  
28 15 style rifle, stand up and say to J.C., "Don't move."

1        15.    EBERT pointed the rifle directly at J.C. The rifle's butt stock was on  
2 EBERT's right shoulder, his right hand was on the pistol grip, his left hand was on the  
3 fore grip and he was looking down the rifle's sights in a "high ready" position.

4        16.    As EBERT emerged from the concealment of the vegetation, the rifle was  
5 in this high ready position and aimed directly at J.C.

6        17.    J.C. said to EBERT, "I just got a call from JBLM, they just wanted me to  
7 check on you since you don't have cell service up here."

8        18.    EBERT responded, "Go tell the FBI, I need to talk to them."

9        19.    J.C. said, "Alright," and turned to walk away.

10       20.    EBERT said, "thank you."

11       21.    As J.C. was walking away, EBERT shouted out to J.C. asking him if he  
12 was the fire chief, and saying things about how the "CID" is running an "Op" on  
13 EBERT, and that he wants to talk to the FBI. EBERT shouted, "Go tell the fucking  
14 FBI to come here now!"

15       22.    J.C. responded, "alright" and continued to walk back to his patrol vehicle.

16       23.    No further in-person contact with EBERT was made by the National Park  
17 Service.

18       24.    On September 10, 2024 SA Cooper Fouch interviewed USPR J.C. via  
19 phone and learned the following:

20       25.    During the welfare check of EBERT, USPR J.C. was wearing authorized  
21 National Park Service uniform components. This includes green pants, a gray uniform  
22 shirt, an external vest carrier, a badge, a body-worn camera, and a duty belt.

23       26.    USPR J.C. indicated that EBERT did not seem threatening, except for the  
24 fact that EBERT had an AR rifle pointed in his direction. USPR J.C. also indicated he  
25 was unsure if a crime was occurring. USPR J.C. indicated he thought it could have just  
26 been a civilian, with trust issues, protecting his land.

27       //

1 Ebert's text messages to 911

2 27. On September 11, 2024, EBERT sent text messages to 911 via a function  
3 on an Apple device, with phone number 206-459-1462, that uses satellites. His texts said,  
4 in essence, "FOR THE LOVE OF GOD- HELP ME. PLEASE." and "Tell the Ranger  
5 I'm sorry for that... I'm fucking scared!!" and "Federal bureau of investigation!!!  
6 HERE!!! Now!!!" and "And stealing my pistol was not cool- I told you 'people are trying  
7 to kill me'....and you steal my protection? Stupid!"

8 28. The next day, EBERT sent another text message to 911 via satellite asking  
9 where the FBI was.

10 29. Shortly after this message came in, I received a phone call from the  
11 emergency communications center in Port Angeles, WA. They relayed EBERT's 911 text  
12 message to me.

13 30. At this point, I immediately drove to the emergency communications center  
14 in Port Angeles, WA which was five minutes away from my location.

15 31. At the center, I worked with dispatch to respond to EBERT via text  
16 message.

17 32. I communicated through the 911 text message system and told EBERT  
18 that I am SA Syvertsen arranging for a way for him to speak with FBI.

19 33. The connection ended before other messages were sent or received.

20 Incident involving I.F

21 34. This same day, I interviewed I.F. over the phone and learned the following:

22 35. I.F. has known EBERT for 30 years; EBERT was in I.F.'s wedding. I.F.  
23 last saw EBERT in mid-August; they are good friends and see each other and text  
24 regularly.

25 36. I.F. went to the Ebert family cabin to check on EBERT on the evening of  
26 September 10, 2024, after J.C. had conducted the welfare check on EBERT.

27 37. I.F. stood outside the gate of the Property and saw EBERT walking away.  
28 I.F. called out EBERT's name. EBERT stated something to the effect of "who are you?"

1 I.F. identified himself, shouting his own name. EBERT was close enough to recognize  
2 I.F.

3 38. EBERT told I.F. something to the effect of, “don’t set foot on my  
4 property.”

5 39. Next, EBERT pointed a black AR-15 rifle with a mounted optic at I.F.

6 40. I.F. asked EBERT if he was serious, and EBERT “racked” the rifle and  
7 moved to a prone position, continuing to point the rifle at I.F.

8 41. EBERT was 30 meters away from I.F.

9 42. I.F. believed the rifle was loaded, he said: “I’ve also never really known the  
10 guy [EBERT] to have weapons around not loaded... he’s a firm believer in a loaded  
11 weapon.”

12 43. I.F. put his hands in the air.

13 44. I.F. saw this act of EBERT’s as very intentional and not something that  
14 EBERT would do lightly.

15 45. I.F. said EBERT is a professional when it comes to firearms, he is a “marine rifle  
16 man” and knows that when you point a loaded gun at someone, you intend to use it.

17 46. I.F. told me “if he [EBERT] chooses, he’s gonna hit what he is shooting  
18 at.”

19 47. I.F. felt that EBERT was threatening him to keep him off his property. I.F.  
20 stated in the interview, “he wasn’t necessarily threatening me, unless I took one more  
21 step... I got the distinct impression it was a threat if I thought I was gonna walk out on  
22 his cabin, but as long as I didn’t, he was just gonna point it at me, you know what I  
23 mean? Like, I wouldn’t have sat, I wouldn’t have stood there for a minute or two trying  
24 to talk to him if I was convinced he was going to shoot me. It’s just, you know, after a  
25 while it’s an unnerving experience.”

26 48. When I asked I.F. how he felt when EBERT was pointing the gun at him,  
27 I.F. stated, “I don’t know man, I don’t really wanna talk about it... that’s kind of  
28 personal” and “I’ll talk about that shit to my wife, if you don’t mind.”



49. On July 13, 2024, SA Postma with the FBI informed me that EBERT's family had attempted to obtain an Extreme Risk Protection Order (ERPO) to seize EBERT's firearms a year ago but were unsuccessful.

#### NIGHT SERVICE REQUEST

50. We request nighttime service because we know EBERT is armed, he has threatened to use force if people enter his property, and because the location of his property allows him to hide in the woods in the daytime, like he did on September 10. EBERT's positioning in the woods puts him at an advantage to observe law enforcement as they approach his cabin. I request that the service of this warrant be authorized for nighttime, to include the hours between 10 PM and 6 AM. Nighttime service will increase the chance that EBERT will be inside his cabin, which has fewer places to hide.

#### CONCLUSION

51. Based on the facts set forth in this Affidavit, there is probable cause to believe that **Subject Property, Subject Vehicle and Subject Person** contain evidence, fruits, and instrumentalities of violations of Title 18, United States Code § 113(a)(3) (Assault with a Deadly Weapon).



James M. Syvertsen, Affiant  
Special Agent  
National Parks Services

The above-named agent provided a sworn statement to the truth of the foregoing affidavit by telephone on this 13<sup>th</sup> day of September, 2024.



HON. GRADY J. LEUPOLD  
United States Magistrate Judge



**ATTACHMENT A****Locations to Be Searched**

The **Subject Property** to be searched is the Ebert family cabin, further described as a reddish-brown, cedar shake-sided cabin, with a vintage gas pump out front, on Parcel 408282008 in Jefferson County, WA. The Property is behind a cattle gate off of mile marker 0.5 of Clark Spur Rd, within Olympic National Park in the area of Lake Quinault. The approximate GPS coordinate is N 47.5422, W -123.7168. See photos and driving instructions below.



Gate leading to the Subject Property, see from Clark Spur Rd.

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26 Subject Property and Subject Vehicle.

1       The **Subject Property** to be searched includes the following external structures on  
2 the parcel: a bluish-gray port-a-potty to the south of the cabin, a blue phone booth to the  
3 east of the cabin, a brown toolshed to the northeast of the cabin, a gray hot tub to the  
4 southeast of the cabin, a chicken-coop-like structure attached to the north side of the  
5 cabin, a 10-foot wide bundle under a grey tarp to the north of the cabin, blue water  
6 barrels scattered about the PREMISES, and a wooden cedar shake-sided outhouse to the  
7 east of the cabin.

8       The **Subject Property** to be searched includes the forest surrounding the cabin on  
9 Parcel 408282008. The parcel is 1.82 acres in size; 60 feet wide along Clark Spur Road  
10 and 60 feet wide on the eastern boundary. The parcel is approximately 1320 feet long on  
11 the northern and southern boundaries.

12       I request that authority to search extend to all parts of the **Subject Property** and  
13 any assigned garages, storage structures, or outbuildings, and all containers,  
14 compartments, or safes located in the **Subject Property**, whether locked or not, where  
15 the items described in Attachment B (list of items to be seized) could be found, and any  
16 persons located within said property or within the residence and any persons located  
17 within the **Subject Property**.

18       The **Subject Vehicle** to be searched is EBERT's vehicle, parked on the **Subject**  
19 **Property**. It is a black or dark grey Toyota Tundra with Washington license plate  
20 PF04667. The vehicle has a black diamond plate tool box mounted in the bed, and a black  
21 metal push bumper on the front.

22       The **Subject Person** to be searched is Erich Vaughn EBERT. He is a white male,  
23 5'11" tall, weighing 215 pounds.

SUBJECT PERSON

ERICH VAUGHN EBERT  
Date of Birth: December 21, 1977





**SUBJECT VEHICLE**

The Subject Vehicle to be searched is EBERT's vehicle, parked on the Subject Property. It is a black or dark grey Toyota Tundra with Washington license plate PF04667. The vehicle has a black diamond plate tool box mounted in the bed, and a black metal push bumper on the front.



**ATTACHMENT B**

**List of Items to be Seized from the  
Subject Property, Subject Vehicle, and Subject Person**

From the **Subject Residence, Subject Vehicle, and Subject Person** listed in Attachment A of this warrant, the government is authorized to search for and seize the following items, which are evidence, instrumentalities, and/or fruits of the commission of the following crimes: 18 U.S.C. § 113(a)(3) (assault with a dangerous weapon), and related offenses, including the following:

1. Firearms or parts thereof, ammunition, firearms magazines, firearms accessories, body armor, firearms boxes, firearms manuals, records of the purchase of firearms, or other items related to the ownership or use of firearms.
2. Cell phones and other communications devices, including an Apple iPhone.
3. Records and information relating to Joint Base Lewis McChord.
4. Records and information relating to the identity or location of Erich Vaughn EBERT.
5. Records and/or indicia of ownership of the firearms, cabin, and/or Apple device(s).